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18 Attorneys for Defendants  
19 UNUM LIFE INSURANCE COMPANY  
20 OF AMERICA and UNUMPROVIDENT CORPORATION,  
21

22 THERESA MONSEUR KELLY,

23 Plaintiff,

24 vs.

25 UNUM LIFE INSURANCE COMPANY  
26 OF AMERICA, UNUMPROVIDENT,  
27 CORPORATION, MDL INFORMATION  
28 SYSTEMS, INC., and MDL HEALTH PLAN,

Defendants.

THEO J. EMISON (SBN 209183)  
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Attorneys for Plaintiff  
THERESA MONSEUR KELLY

FILED  
NOV 20 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

EMISON • HULLVERSON • BONAGOFSKY LLP  
ATTORNEYS AT LAW

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

Case No. C 05-02915-CW

NOTICE OF CONCLUSION OF  
REASSESSMENT PROCESS

&

STIPULATION TO CONTINUE THE  
11/20/07 CMC TO 1/22/08 AND  
~~PROPOSED~~ ORDER THEREON

NOTICE AND STIPULATION

The parties stipulate as follows: This action has been stayed pursuant to the Court's order in order to allow for the defendant to reassess the plaintiff's disability claim. The

1 reassessment process has now concluded, and the defendant has ruled in the plaintiff's favor,  
2 reversing its previous decision to terminate disability benefits to the plaintiff. As a result, the  
3 defendant has paid past-due benefits to the plaintiff and reinstated her disability claim.  
4 Accordingly, the Court will not need to address the core issue as to whether the defendants  
5 wrongly terminated the plaintiff's disability benefits.

6 The parties now wish to address and attempt to resolve any remaining, ancillary issues,  
7 including the plaintiff's request for attorney's fees. The parties are hopeful that they will be able  
8 to resolve all such issues and submit a Stipulation and Proposed Order of Dismissal within the  
9 next 60 days. The parties therefore request the continuation of the Case Management  
10 Conference until January 22, 2008 so that they can work to resolve all issues.

11 Dated: November 15, 2007

THE WOOD LAW FIRM, PLLC

13 By /s/ John D. Wood  
14 John D. Wood (Admitted Pro Hac Vice)  
15 Attorneys for Plaintiff  
16 THERESA MONSEUR KELLY

17 Dated: November 15, 2007

EMISON, HULLVERSON, BONAGOF SKY

18 By /s/ Theo J. Emison  
19 Theo J. Emison  
20 Attorneys for Plaintiff  
21 THERESA MONSEUR KELLY

22 Dated: November 15, 2007

KELLY, HERLIHY & KLEIN, LLP

23 By /s/ Thomas M. Herlihy  
24 Thomas M. Herlihy  
25 Attorneys for Defendants  
26 UNUM LIFE INSURANCE COMPANY OF  
27 AMERICA and UNUM PROVIDENT CORPORATION

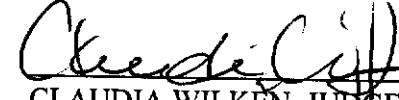
PROPOSED ORDER

28 The Court accepts the stipulation of the parties. It is therefore ORDERED that the 2:00  
p.m. November 20, 2007 Case Management Conference is continued to 2:00 p.m., January 22,

1 2008.

2 IT IS SO ORDERED.

3 NOV 20 2007

  
4 CLAUDIA WILKEN, JUDGE OF THE  
5 UNITED STATES DISTRICT COURT  
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